UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,166	07/21/2003	Harri Lakkala	NKO.011.US	6358

76385 7590 11/12/2008

Hollingsworth & Funk, LLC
8009 34th Avenue South
Suite 125
Minneapolis, MN 54425

EXAMINER	
ADDY, ANTHONY S	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,166	LAKKALA, HARRI	
	Examiner	Art Unit	
	ANTHONY S. ADDY	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12-19,21-28 and 30-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12-19,21-28 and 30-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 21, 2008 has been entered. **Claims 2, 11, 20** and **29** has been canceled. **Claims 1, 3-10, 12-19, 21-28** and **30-37** are pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to **claims 1, 3-10, 12-19, 21-28** and **30-37** have been considered but are moot in view of the new ground(s) of rejection. Arguments are directed to newly added limitations and the new ground(s) of rejection based on the newly added limitations follow below.

Claim Objections

3. **Claims 21** and **30** are objected to because of the following informalities:

With regard to claims 21 and 30, the claims depend on the same claims 21 and 30. Applicant is advised to change the dependency of the claims or cancel the claim. For examination on the merits, claims 21 and 30 are being considered by the examiner to depend on claims 19 and 28.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims **1, 3-10, 12-19, 21-28** and **30-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sakai et al., U.S. Publication Number 2003/0100295 A1 (hereinafter Sakai)** and further in view of **Hawkins et al., U.S. Patent Number 6,516, 202 (hereinafter Hawkins)**.

Regarding claims 1 and 9, Sakai teaches a subscriber terminal (*e.g., a mobile phone*) for a radio system (see p. 4 [0063-0064] and Figs. 9 & 10), comprising: a transceiver (i.*e., reception unit 3, transmission unit 4 and duplexer 2 constitute a transceiver of the mobile phone*) configured to receive calls and messages (see p 5[0084] and Fig. 1); a control unit (*e.g., CPU 5*) connected to the transceiver configured to save received unanswered call data, save received messages, and to constitute a collection of contact attempts (*i.e., the caller information and the message left by the caller reads on a saved received unanswered call data and received messages, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list in addition to a message left by the caller to constitute a contact attempt*) (see p. 5 [0086, 0087, 0092 & 0098] and Fig. 10); and a user interface (*e.g., display unit 9*) connected to the control unit (*i.e.,*

CPU 5) configured to present the contact attempts (see p. 5 [0097], p. 8 [0159] and Figs. 1 & 4).

Sakai fails to explicitly teach the contact attempts includes both received unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller.

In an analogous field of endeavor, Hawkins teaches if a mobile telephone user ignores an incoming call, the call may be transferred to a user designated destination and a missed call screen is displayed, showing the identity, telephone number, time and date of the call (see col. 8, lines 15-19). According to Hawkins, if the caller left a message on voicemail, a third option is displayed, permitting the user to listen to the voicemail left by the caller (see col. 8, lines 21-24). For example, Hawkins Illustrates in Fig. 8B, that if the mobile telephone user ignores a call from Ron Marianetti, the contact attempts includes both received unanswered call data (*e.g., telephone number and time of the missed call from Ron Marianetti*) and at least one saved message (*e.g., a saved voicemail from Ron Marianetti*) by combining together the unanswered call data and messages which both refer to the same caller (see col. 8, lines 21-24 and Fig. 8B).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Hawkins, wherein the contact attempts includes both received unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller, in order to automatically link or associate caller identification with a voicemail notification so that a mobile telephone user receives a notification of which missed call(s) generated

a voicemail to allow the user to select particular ones of the voicemail to open and listen to rather than being forced to listen to all recorded voicemails, which is particularly useful for screening voicemails recorded from numbers/callers for which the user has no interest, as taught by Hawkins (see col. 8, lines 21-24 and Fig. 8B).

Regarding claim 3, Sakai in view of Hawkins teaches all the limitations of claim 1. Sakai in view of Hawkins further teaches wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message both contain the same caller identifier (see *Hawkins*, col. 8, lines 13-24 and Fig. 8B).

Regarding claims 10 and 18, Sakai teaches an arrangement (*e.g., a mobile phone*) (see p. 4 [0063-0064] and Figs. 9 & 10), comprising: receiving means (*e.g., reception unit 3*) for receiving calls and messages (see p 5[0084] and Fig. 1); saving means (*e.g., storage unit 8*) for saving received unanswered call data and saving received messages (see p. 5 [0092 & 0098] and Fig. 10); constituting means (e.g., a CPU 5) for constituting a collection of contact attempts (*i.e., the caller information and the message left by the caller reads on a saved received unanswered call data and received messages, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list in addition to a message left by the caller to constitute a contact attempt*) (see p. 5 [0086, 0087, 0092 & 0098] and Fig. 10); and a presenting means (*e.g., display unit 9*) for presenting the contact attempts (see p. 5 [0097], p. 8 [0159] and Figs. 1 & 4).

Sakai fails to explicitly teach the contact attempts includes both received unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller.

In an analogous field of endeavor, Hawkins teaches if a mobile telephone user ignores an incoming call, the call may be transferred to a user designated destination and a missed call screen is displayed, showing the identity, telephone number, time and date of the call (see col. 8, lines 15-19). According to Hawkins, if the caller left a message on voicemail, a third option is displayed, permitting the user to listen to the voicemail left by the caller (see col. 8, lines 21-24). For example, Hawkins Illustrates in Fig. 8B, that if the mobile telephone user ignores a call from Ron Marianetti, the contact attempts includes both received unanswered call data (*e.g., telephone number and time of the missed call from Ron Marianetti*) and at least one saved message (*e.g., a saved voicemail from Ron Marianetti*) by combining together the unanswered call data and messages which both refer to the same caller (see col. 8, lines 21-24 and Fig. 8B).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Hawkins, wherein the contact attempts includes both received unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller, in order to automatically link or associate caller identification with a voicemail notification so that a mobile telephone user receives a notification of which missed call(s) generated a voicemail to allow the user to select particular ones of the voicemail to open and listen to rather than being forced to listen to all recorded voicemails, which is particularly

useful for screening voicemails recorded from numbers/callers for which the user has no interest, as taught by Hawkins (see col. 8, lines 21-24 and Fig. 8B).

Regarding claim 12, Sakai in view of Hawkins teaches all the limitations of claim 10. Sakai in view of Hawkins further teaches wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message both contain the same caller identifier (see *Hawkins*, col. 8, lines 13-24 and Fig. 8B).

Regarding claims 19, 27, 28 and 36, Sakai teaches a computer program distribution medium readable by a computer and encoding a computer program of instructions for executing a computer process and a method for presenting contact attempts to a subscriber terminal of a radio system (see p. 1 [0005], p. 5 [0086-0087] and Figs. 4 & 10), comprising: receive calls and messages (see p 5[0084]); saving received unanswered call data and received messages, constituting a collection of contact attempts (*i.e., the caller information and the message left by the caller reads on a saved received unanswered call data and received messages, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list in addition to a message left by the caller to constitute a contact attempt*) (see p. 5 [0086, 0087, 0092 & 0098]); and presenting the contact attempts (see p. 5 [0097] and p. 8 [0159]).

Sakai fails to explicitly teach the contact attempts includes both received unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller.

In an analogous field of endeavor, Hawkins teaches if a mobile telephone user ignores an incoming call, the call may be transferred to a user designated destination and a missed call screen is displayed, showing the identity, telephone number, time and date of the call (see col. 8, lines 15-19). According to Hawkins, if the caller left a message on voicemail, a third option is displayed, permitting the user to listen to the voicemail left by the caller (see col. 8, lines 21-24). For example, Hawkins Illustrates in Fig. 8B, that if the mobile telephone user ignores a call from Ron Marianetti, the contact attempts includes both received unanswered call data (*e.g., telephone number and time of the missed call from Ron Marianetti*) and at least one saved message (*e.g., a saved voicemail from Ron Marianetti*) by combining together the unanswered call data and messages which both refer to the same caller (see col. 8, lines 21-24 and Fig. 8B).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Hawkins, wherein the contact attempts includes both received unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller, in order to automatically link or associate caller identification with a voicemail notification so that a mobile telephone user receives a notification of which missed call(s) generated a voicemail to allow the user to select particular ones of the voicemail to open and listen to rather than being forced to listen to all recorded voicemails, which is particularly useful for screening voicemails recorded from numbers/callers for which the user has no interest, as taught by Hawkins (see col. 8, lines 21-24 and Fig. 8B).

Regarding claims 21 and 30, Sakai in view of Hawkins teaches all the limitations of claims 19 and 28. Sakai in view of Hawkins further teaches wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message both contain the same caller identifier (see *Hawkins*, col. 8, lines 13-24 and Fig. 8B).

Regarding claims 4, 13, 22 and 31, Sakai in view of Hawkins teaches all the limitations of claims 1, 10, 19 and 28. Sakai in view of Hawkins further teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display in the user interface the contact attempts as a list of contact attempts (see *Sakai*, p. 7 [0143], p. 8 [0159], Figs. 4 & 8; *screen 44* and Fig. 11).

Regarding claims 5, 14, 23 and 32, Sakai in view of Hawkins teaches all the limitations of claims 4, 13, 22 and 31. Sakai in view of Hawkins further teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display the list of contact attempts as a list of callers (see *Sakai*, p. 1 [0011], p. 7 [0143], p. 8 [0159], Figs. 4 & 8; *screen 44* and Fig. 11).

Regarding claims 6, 15, 24 and 33, Sakai in view of Hawkins teaches all the limitations of claims 1, 10, 19 and 28. Sakai in view of Hawkins further teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to receive a selection regarding a contact attempt from the user interface and to display the selected contact attempt in more detail in the user interface (see *Sakai*, p. 8 [0157, 0160 & 0169] and Fig. 8).

Regarding claims 7, 16, 25 and 34, Sakai in view of Hawkins teaches all the limitations of claims 1, 10, 19 and 28. Sakai in view of Hawkins further teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to fetch a name of the caller present in the contact attempts from a phonebook and to display the name of the caller in the user interface (see *Sakai*, p. 5 [0086], p. 8 [0160] and Fig. 8).

Regarding claims 8, 17, 26 and 35, Sakai in view of Hawkins teaches all the limitations of claims 1, 10, 19 and 28. Sakai in view of Hawkins further teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display in the user interface a selection mechanism, which, when selected, makes a contact to a caller of the selected contact attempt (see *Sakai*, p. 8 [0160] and Fig. 8).

Regarding claim 37, Sakai in view of Hawkins teaches all the limitations of claim 28. Sakai in view of Hawkins further teaches a computer distribution medium, the distribution medium comprising a computer readable medium, a program storage medium, a record medium, a computer readable memory, a computer readable software distribution package and a computer readable compressed software package (see *Sakai*, p. 1 [0005] and Fig. 10).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 28 and 30-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows:

Claim 28 recites ***"a computer program distribution medium....."*** implies a "signal" *modulated/encoded/embodied on a carrier wave/etc.* with functional descriptive material *(Applicant's specification on page 8, paragraph [0033] defines the computer program distribution medium as a computer readable signal and a computer readable telecommunications signal. Applicant is advised to delete the language above on page 8, paragraph [0033] which defines the computer readable recording media to include a computer readable signal and a computer readable telecommunications signal to overcome the rejections under 35 U.S.C 101.).* While functional descriptive material may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible computer readable medium, a "signal" per se does not fall within any of the four statutory classes of 35 U.S.C. §101. A "signal" is not a process because it is not a series of steps per se. Furthermore, a "signal" is not a "machine", "composition of matter" or a "manufacture" because these statutory classes "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." (1 D. Chisum, Patents § 1.02 (1994)). Machines, manufactures and compositions of matter are embodied by physical structures or material, whereas a "signal" has neither a

physical structure nor a tangible material. That is, a "signal" is not a "machine" because it has no physical structure, and does not perform any useful, concrete and tangible result. Likewise, a "signal" is not a "composition of matter" because it is not "matter", but rather a form of energy. Finally, a "signal" is not a "manufacture" because all traditional definitions of a "manufacture" have required some form of physical structure, which a claimed signal does not have.

> A "manufacture" is defined as "the production of articles for use from raw materials or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931).

Therefore, a "signal" is considered non-statutory because it is a form of energy, in the absence of any physical structure or tangible material, that does not fall within any of the four statutory classes of 35 U.S.C. §101.

NOTE: Refer to Annex IV, section (c) of the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", Official Gazette notice of 22 November 2005 (currently at http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm).

With respect to claims 30-37, they include the same issues explained above for parent claim 28. Therefore claims 30-37 are rejected for the same reasons explained above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aberethy et al., U.S. Publication Number 2007/0280457 A1 discloses missed call integration with voicemail and granular access to voicemail.

Forstall et al., U.S. Publication Number 2008/0057926 A1 discloses missed telephone call management for a portable multifunction device.

Stifelman et al., U.S. Publication Number 2007/0133771 A1 discloses providing missed call and message information.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY S. ADDY whose telephone number is (571)272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony S Addy/
Examiner, Art Unit 2617

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617